

Docket No. 1156.43704TRN
Serial No. 09/712,914
August 1, 2005

REMARKS

The present invention is a communication device, a radio telephone, and a method of activating a communications device for operation in a telecommunications network. An embodiment of the invention is illustrated in Figs. 1 and 2 and is a communication device 1 addressable with reference to identification data which identifies the communication device or a user of the communication device and includes memory locations for storing the identification data. The communications device 1 comprises a processor 5 which is responsive to a first code for controlling the storage of the identification data in the memory locations. The processor 5 is responsive to an incoming signal addressing the communication device with reference to the stored identification data to change the first code for subsequently controlling the storage of the identification data in the memory locations. In a preferred embodiment, the identification includes a Mobile Identification Number (MIN) and data indicating the service provider which has been chosen. See page 1, paragraph 3, of the original specification for a description of NAM and further, page 6, lines 4-36, through page 7, lines 1-8, of the original specification.

The invention provides having a code for accessing the number assignment module (NAM) storage area when the phone has been addressed by an incoming signal provided by the carrier which provides the carrier with control of the identification data stored in the NAN. Furthermore, the service provider may end any programming session by making a call to the program handset. See paragraph [0012] of the substitute specification.

It is requested that the Examiner withdraw the final rejection since the Examiner has cited new art which was not necessitated by the previous Amendment as contended by the Examiner in Section 5. An examination of the amendments made previously reveals that the Amendment was responsive to the Examiner's

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rejection of the claims on grounds of indefiniteness. Specifically, the amendments to independent claims 1, 10, 19, 20 and 23 added the modifier "first" to the recitation of a code which does not substantively change the scope of those claims. Moreover, with respect to claim 4, the reference to a second code therein merely made it easier to differentiate between a code and a second code as recited in claim 1 after amendment with the word "first" providing for consistent terminology of a first and second code. Moreover, the amendment to claim 25 merely rearranged the reference to the first and second configurations. In summary, it is submitted that the amendments did not necessitate the citation of new art. Accordingly, withdrawal of the final rejection is respectfully requested.

Claims 1-32 stand rejected under 35 USC §102 as being anticipated by U.S. Patent No. 6,259,908. These grounds of rejection are traversed for the following reasons.

Each of independent claims 1, 10, 19 and 23 substantively recite the storage of identification data in memory locations of a communication device or a radio telephone in which an incoming signal or message addressing the communication device or radio telephone with reference to the stored identification data is used to change a code for controlling storage of the identification data in the memory locations. This subject matter has no counterpart in Austin.

Austin discloses a methodology which limits access to data of a cellular telephone in which the subsidy lock code (SSDS) 56 is used for activating a cellular telephone on a designated cellular network and a data configuration lock code (SSDC) 58 is stored in the cellular telephone to prevent access to data in the cellular telephone after the cellular telephone has been activated. See column 6, lines 54-67 through column 7, lines 1-19. The SSDS is operative to limit activation either over the air manually of the cellular telephone to a cellular network that has been

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identified as a network in which the cellular telephone should be activated. The SSDC is unchangeable or non-erasable by programming the cellular telephone from the keypad of the cellular telephone. An entity that demonstrates knowledge of the SSDC may program the SSDC to zero (0) which renders the SSDC unchangeable thereafter. Finally, an entity seeking access to data stored in the cellular telephone must demonstrate knowledge of the SSDC. See column 12, lines 51-67.

However, Austin does not disclose a methodology as set forth in independent claims 1, 10 and 19 in which a communication device or radio telephone receives an incoming signal or message addressing the communication device or radio telephone with reference to the stored identification data for the changing the code for subsequently controlling storage of the identification data in the memory. This provides the carrier with the benefit of being in control of programming of the NAM.

Moreover, Independent claim 25 is also not anticipated by Austin for the reason that Austin does not teach "means, responsive to a received signal, for changing the configuration of the communication device from a first configuration to a second configuration wherein in the first configuration a first code is required to program the identification data and in the second configuration a second code different from the first code is required to program the identification data. Austin, as discussed above, does not provide any disclosure suggesting means responsive to a received signal to change from a first configuration which a first code is required to program the identification to a second code different from the first code required to program the identification data.

The dependent claims define further aspects of the present invention which are patentable for the reasons set forth above with respect to the independent claims.

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If the Examiner persists in the stated grounds of rejection, it is requested that he point out where Austin teaches the receipt of an incoming signal or message addressing the communication device or radio telephone with reference to stored identification data for changing the code for subsequently controlling storage of the identification data as recited in independent claims 1, 10, 19 and 23, and further where as recited in claim 25 means are found which are responsive to a received signal for changing the configuration of the communication device from a first configuration to a second configuration wherein in the first configuration a first code is required to program the identification data and in the second configuration a second code different from the first code is required to program the identification data.

Claims 1-32 stand rejected under 35 USC §102 as being anticipated by U.S. Patent No. 6, 314, 283 (Fielden). These grounds of rejection are traversed for the following reasons.

Fielden, like Austin does not disclose the use of an incoming signal addressing a communication device or radio telephone with reference to stored identification data to change a first code for subsequently controlling storage of identification data in memory location as recited in independent claims 1, 10, 19 and 23 and further where as recited in claim 25 means are found which are responsive to a received signal for changing a configuration of a communication device from a first configuration to a second configuration wherein in the first configuration a first code is required to program the identification data and in the second configuration a second code different from the first code is required to program the identification data. Fielden discloses a mechanism in which the Number Assignment Module (NAM) is programmed and shipped by the manufacturer in a locked condition which may be overcome by first entering either a valid unlock code or a remove lock code.

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See Fig. 1 at decision points 12 and 14. After entry of either of a valid unlock code or a remove lock code, programming of the NAM is permitted as indicated at block 26. The unlock and remove lock codes are a combination of the phone's electronic serial number and a carrier code, which is calculated to produce the unlock code and remove lock code. See column 4, lines 66-67 through column 5, lines 1-11.

There is no disclosure in Fielden suggesting that the unlock code and the remove lock code can be changed by any mechanism and Fielden does not disclose the use of an incoming signal addressing the communication device or an incoming message addressing a radio telephone as recited in independent claims 1, 10, 19 and 23 and furthermore, does not disclose means responsive to a received signal for changing the configuration of the communication device from a first configuration to a second figuration wherein in the first configuration a first code is required to program the identification data and in the second configuration a second code different from the first code is required to program the identification data as recited in claim 25.

Moreover, Fielden do not anticipate or render obvious the subject matter of the dependent claims.

If the Examiner persists in the stated grounds of rejection, it is requested that he point out on the record where Fielden meets the aforementioned subject matter of the independent claims.

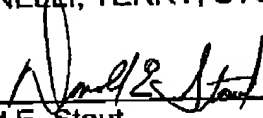
The specification has been amended to correct typographical errors.

In view of the foregoing amendments and remarks, it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

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Applicants request any shortage or excess in fees in connection with the filing of this paper, including extension of time fees, and for which no other form of payment is offered, be charged or credited to Deposit Account No. 01-2135 (Case: 1156.43704TRN).

Respectfully submitted,
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